

# CHAPTER 31 COMMENTS AND COORDINATION

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# **31 COMMENTS AND COORDINATION**

## **31-1 OVERVIEW**

A Comments and Coordination section is included in both an Environmental Assessment (EA) and Environmental Impact Statement (EIS) and is recommended for Type 2 Categorical Exclusions and State Environmental Impact Reports (SEIRs). Its purpose is to summarize all of the public and interagency coordination involved in developing the project and the environmental document. This includes documenting for the administrative record the scoping process (EIS only), all meetings or coordination with government leaders, government agencies, community groups and individual citizens, and identifying in this section the key issues and pertinent information received through these project coordination efforts.

## **31-2 PROCEDURE**

### **31-2.1 Draft Environmental Documents**

The content of the Comments and Coordination section of the EA or Draft EIS (DEIS) is composed of comments, suggestions, and recommendations received during the early development of the document. This section is composed of 1) an introduction, 2) a discussion of the Efficient Transportation Decision Making (ETDM) screening events (including Advance Notification), 3) a discussion of the scoping process for EISs, 4) interagency coordination and consultation (i.e., coordination with the State Historic Preservation Officer (SHPO), wetland coordination with the Florida Department of Environmental Protection (DEP) or Water Management District (WMD), and coordination with the Metropolitan Planning Organization (MPO)), and 5) a concluding statement.

#### **31-2.1.1 Introduction to the Comments and Coordination Section**

Provide an introductory paragraph to the Comments and Coordination section describing the content of the entire section.

An example introductory paragraph is provided below.

A Public Involvement Program has been developed and is being carried out as an integral part of this project. The purpose of this program is to establish and maintain communication with the public and agencies concerned with the project and its potential impacts. To ensure open communication and agency and public input, the Department has provided an early notification package to State and Federal agencies and other interested parties defining the project and, in cursory terms, describing anticipated issues and impacts.

In addition, in order to expedite the project development processes, eliminate unnecessary work, and provide a substantial issue identification/problem solving effort, the Department has carried out the scoping process as required by the Council on Environmental Quality (CEQ) Guidelines. Finally, in an effort to resolve all issues identified, the Department has conducted an extensive interagency coordination and consultation effort, and public participation process. These efforts began during project planning through the Efficient Transportation Decision Making (ETDM) process. This section of the document details the Department's program to fully identify, address, and resolve all project-related issues identified through the Public Involvement Program.

### **31-2.1.2 Discussion of ETDM Screening Events**

Major transportation projects require early agency involvement through the Planning and Programming Screens in the ETDM Process (see ***ETDM Programming and Planning Manual***). The Environmental Technical Advisory Team (ETAT) provides comments during these screening events that are captured in the ETAT Review section of the ***Final Programming Screen Summary Report***.

The Advance Notification (AN) package is distributed as part of the ETDM programming screening event (see ***Part 1, Chapter 3 Advance Notification***). Participating agencies submit responses through the Environmental Screening Tool. Other interested parties may send written comments through email or letter. These comments are captured by the ETDM Coordinator, or designee, in the Other AN Comments Received section of the ***Final Programming Screen Summary Report***.

The comments received by the District during these screening events and AN comment period are referenced, or included in the Comments and Coordination section of the draft document and must include the following information:

1. A description of the ETDM screening events and the AN process carried out on the project including the date of ETAT notification(s) and distribution of the AN package.
2. A list of all Federal, State and local agencies that provided comments during the screening events. Refer to the list provided in the ETAT Review Overview section of the final ***Programming Screening Summary Report***. List any other agencies or organizations who commented outside of the system during the screening event.
3. Include or reference each agency's views and comments on the project. If referenced, identify the appropriate location where the agency comments can be located in the ***Final Programming Screen Summary Report*** and include the report in the Appendix of the document. There is no need to

restate the comments. Include references to comments in both the ETAT Review section and Other AN Comments Received section of the report.

4. Provide a response to each agency comment shown only if the response provided by the ETDM Coordinator following the screening event and included in the ***Final Programming Screen Summary Report*** did not resolve the issue. For example, the ETDM Coordinator response may address how the issue will be dealt with in the PD&E study. In this case the response should contain the status of the issue including any analysis results, agency coordination, and a reference to where in the document the detailed information regarding this issue can be found. Provide responses (and the original comment) to any agency or organization comments received outside of the system during the screening event. The Department's response should address the issues, but does not require a decision or commitment since the document is in the draft phase.

An example of this type of discussion is provided below.

The Florida Department of Transportation (FDOT) initiated early agency involvement through the Efficient Transportation Decision Making (ETDM) Process. The ETDM Process affords agencies and the public the opportunity to provide early input on a major project's potential impacts to the natural, cultural and sociocultural environments through a series of "screening" events. These screening events occur at the Long Range Transportation Plan development stage and just prior to a project entering the FDOT Five Year Work Program. For this project, the Planning Screen began on November 2, 2005. The results were published in the Planning Screen Summary Report on February 5, 2006. The Programming Screen (including Advance Notification) was initiated on March 15, 2007. Results were published in the Final Programming Screen Summary Report on June 27, 2007. The Final Programming Screen Summary Report is found in Appendix A and includes a list of all agencies and organizations that provided comments during these screening events.

Comments were submitted electronically through the Environmental Screening Tool and are included in the ***Final Programming Screen Summary Report***. Comments from the agencies and responses from the ETDM Coordinator are located in the ETAT Review and Other AN Comments Received sections of the ***Final Programming Screen Summary Report*** found in Appendix A. Stated below are comments in which there was no District response at the time of screening. Also stated below are the District's current responses to each of these comments. There were no comments received outside of the system during the

screening event.

### **NATIONAL MARINE FISHERIES SERVICE**

(Appendix A, Programming Screen Summary Report, pages 10-11)

**COMMENTS:** Federally listed species under NMFS jurisdiction may occur within the proposed project area. Six sea turtle species, one fish and one seagrass (with Critical Habitat) were listed. Concern was expressed that untreated stormwater runoff may occur, impacting the marine environment. Coordination on the proposed stormwater management system will be required. The NMFS may require a biological assessment/evaluation including an effects analysis and final effects determinations on listed species.

**RESPONSE:** The project is located over urbanized uplands, not over marine habitat. The existing elevated expressway is proposed to be replaced in essentially the same location, and the proposed stormwater management system will be designed to meet or exceed federal, state and local standards of water quality. This represents an improvement over the existing design. An on-site meeting was held (FDOT-NMFS) to clarify the project scope and location, and to resolve prior agency concerns for endangered species and seagrass Critical Habitat.

#### **31-2.1.3 Discussion of Scoping Process**

If the document being prepared is an EIS, the scoping process must be employed on the project. The discussion must demonstrate how the scoping process has met the objectives outlined in **Part 1, Chapter 11**. Scoping begins during the Programming Screen in the ETDM Process with the electronic notification and distribution of the AN Package. During the Programming Screen, participants provide commentary about project effects and scoping recommendations for any required technical studies. The results of scoping during the ETDM screening are captured in **Section 31-2.1.2**. Scoping continues during PD&E through early coordination with agencies and internal staff to compile the list of topics to be studied in the EIS.

This section must provide a complete and concise summation of the scoping process developed for the project after the ETDM screening events. This includes the following information:

1. Describe in detail the scoping process as practiced on the project: include dates and places of any meetings (if held);
2. Describe all assumptions, agreements, and considerations reached at the outset of the study due to scoping;

3. Identify all critical and significant issues;
4. Identify those issues considered to be minor or of less social and environmental concern;
5. Identify all agencies participating in the scoping process;
6. Identify all agencies assisting in the preparation of the EIS and their specific level of responsibility;
7. Identify all cooperating agencies added since the ETDM screening events;
8. Identify all participating agencies added since the ETDM screening events;
9. Identify any environmental studies and other related data which were used as a part of the document development due to scoping;
10. Identify any permits which are required, and state if a joint public hearing is to be held; and
11. Identify any recommended courses of action which were determined as a result of scoping.

Provided below is a sample discussion.

In addition to coordination with Federal, State, and local agencies described above, a formal scoping meeting was held on January 9, 2008, in Any City, Florida. After a brief slide presentation on the scope of the project and a briefing on the current status of the project in the project development phase, a field review was conducted by FDOT with all participants. After the field review, all meeting attendees returned to the meeting room, and FDOT opened the floor for discussion on the project. All comments and remarks were welcomed and open to discussion from any agency in attendance. Minutes were made of all proceedings. A list of concerns was developed. Cooperating and participating agencies were identified as well as those contributing to the development of the DEIS. A list of agencies which attended the scoping meeting is provided below. Their comments and/or positions on the proposed project are also provided. Certain agencies were invited to the meeting but were unable to attend. These include: Florida Department of Environmental Protection, Collier County Planning Department, and Collier County Sierra Club. These agencies and organizations, along with others in

attendance, received minutes of the scoping meeting which outlined all topics discussed, each agency's comments, and recommended actions for FDOT to pursue in developing the proposed project. In distributing the minutes, additional comments were requested if, in reading the minutes, each agency felt additional points or issues should be raised. No additional comments were received.

#### **UNITED STATES COAST GUARD**

(Appendix B, Exhibits 1 and 2)

**COMMENT:** A principal concern is bridge heights equal to or in excess of existing conditions and that all navigational requirements be adhered to. The U.S. Coast Guard (USCG) also requested to be a cooperating agency in the development of the DEIS.

**RESPONSE:** FDOT will work closely with the USCG in the development of this project to ensure that all navigational requirements are met and that the bridge is constructed in a manner that will meet the needs of waterway users. FDOT will be meeting with the USCG to explain in more detail its plans concerning the bridge and to fully accommodate USCG requirements.

#### **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

(Appendix B, Exhibits 3 and 4)

**COMMENT:** The principal concerns are impacts of the project on existing wetland resources and the type and extent of mitigation required to compensate for wetland loss.

**RESPONSE:** FDOT will work closely with the Southwest Florida Water Management District to resolve any issues related to wetland taking. Presently, FDOT, with its consultant, is in the process of developing a mitigation plan. This plan will be circulated to all interested and jurisdictional agencies for comment and concurrence prior to FDOT committing to any mitigation effort.

### **31-2.1.4 Interagency Coordination and Consultation**

Similar to the type of documentation required in **Section 31-2.1.3**, this portion of the Comments and Coordination section should provide a chronology of all meetings and events which have occurred on the project that are not captured in the ETDM screening events. If agencies and/or interest groups have taken a position on the project or an environmental issue then this should be described by FDOT.

The type of documentation which must be provided in this section is described

below. The analyst should fully identify all relevant participants and issues in developing this section of the document.

1. Provide a chronology of all meetings which have taken place on the project, including the dates and locations;
2. Provide a list of attendees (agencies) for each meeting;
3. Discuss in detail the type of information shared by FDOT at each meeting;
4. Discuss all key issues which resulted from the meeting(s);
5. Discuss any agreements reached regarding the project and/or assessment of its environmental effects; and
6. If an agency or other private or public entity took a position on the project, or on a specific environmental issue, this should be documented in the text and by a letter setting out the agency's position. This letter must be included in the Appendix.

A sample discussion is provided below.

As a result of the scoping meeting and to better define and address the concerns of Federal and State environmental permit and review agencies, numerous contacts were made in the form of correspondence, telephone contacts, and informal meetings. Provided below is a chronology of coordination meetings which have taken place on the project to meet the concerns identified at the scoping meeting and other subsequent meetings. Documentation of this coordination is found in Appendix B of the DEIS in the form of correspondence or is available in the project file in the form of minutes of the various meetings.

### **UNITED STATES COAST GUARD**

Meeting in Miami

May 8, 2007

FDOT and the USCG met to discuss the navigational requirements on all project bridges. The USCG stated that permits will be required for the modification or replacement of bridges at Here A Creek, There A Creek, Every Where A Creek, and Any River. They further reiterated that, at a minimum, navigational clearances must duplicate those that currently exist at these locations. Based on this meeting, the scoping meeting, and other correspondence with the USCG, FDOT has developed the Navigational Consideration section of the document to fully address all concerns

(section X).

In addition to the above Federal and State agencies, a number of local agencies, utilities, and concerned citizen groups were contacted prior to the circulation of the DEIS. These included representatives of: Any County Conservancy, the Any County Electric Cooperative, Any State Power and Light Company, Any Local City Utility Company, Any Waterworks, Any County Planning Department, and Any County Commission. The following meetings took place to meet the concerns identified by these groups:

### **FLORIDA POWER AND LIGHT COMPANY**

June 1, 2007

At project site

FDOT met with the Florida Power and Light Company (FPLC) representatives to discuss the relocation of utility lines attached to the existing bridge. It was determined, after some discussion, that the service to the area could go uninterrupted during construction and that the FPLC could relocate their power lines to the new bridge with little or no difficulty. Prior to construction, FDOT will meet again with FPLC to discuss project scheduling, etc., so as not to cause any undue delay in the project and avoid service disruption.

In addition to the above local coordination meetings, FDOT held a public workshop on the project to obtain citizen comments and ideas relating to the project. Notices of the workshop were mailed to all residents within 300 feet of the project centerline. Also, the workshop was publicized through publication of a notice in the Collier Gazette, a local newspaper having general circulation in the project area. Also, public service announcements were provided to local radio (WONE) and television stations (WDOT and WYOU) to invite the general public and any interested groups to attend a public information workshop held at the Any Local location on the evening of August 7, 2007. Approximately 100 persons attended the workshop.

This informal workshop was held to provide the general public with information about the project, the various alternatives under consideration, project scheduling, the status of the necessary studies and environmental documentation, and solicitation of comments from the general public.

**COMMENT:** The public comments from those who spoke to Department representatives and who rendered written comments

focused on the need to expedite the project and concern for wetlands adjacent to the project.

**RESPONSE:** FDOT stated at the meeting that it was trying to keep within schedule on the project and that extensive coordination efforts were taking place to alleviate any problems related to the project. It was also mentioned that a Mitigation Plan was being developed that would be received by a number of Federal and State agencies to mitigate for any adverse impacts to wetland resources resulting from the project.

As a result of the numerous coordination meetings and other contacts between FDOT, its consultant, and the agencies mentioned above, the following mitigation concept for the wetland impacts associated with the widening of SR XX has been suggested:

As can be observed on MAP 8 in section X, a number of water-stressed areas (designated SB) occur to the west of SR XX. It is suggested that these water-stressed conditions could be greatly alleviated, wetland communities revitalized, and nutrient transport enhanced through the construction of a series of weir-controlled culverts under SR XX. Such a system, beginning just north of the Any Name Road and continuing south to the area of the XX Road, would maintain the existing conditions on the east side of SR XX, while providing for improved sheet flow from the east to the west of SR XX, thus enhancing nutrient transport in the wetland community.

Certain agencies have observed that during the wet season there is a substantial hydraulic head of fresh water moving southward from the wetland east of SR XX and north of Airport Road. The flow is so strong, the agencies say, that tidal penetration and flushing in the 5,000 acre basin is prevented during the wet season.

These agencies are of the opinion that the cost of the system outlined above would not be much greater than the construction cost of relocating the canal north and south of Airport Road and enlarging the culvert under Any Road.

Implementation of the above suggestion is being recommended as a mitigation measure for the loss of wetlands as outlined in section XX.

### **31-2.1.5 Concluding Statement in Draft Document**

Since the draft document is still subject to modification, place the following statement as the concluding statement for this section in the draft document.

*"FDOT will not make a final decision on the proposed action or any alternative until a public hearing has been held on this project and all comments received have been taken into consideration."*

### **31-2.2 Final Environmental Documents**

The Final EIS (FEIS) and EA / Finding of No Significant Impact (FONSI) must be revised to include a new section on the public hearing, its content, and outcome.

In addition, the revised FEIS and EA / FONSI should include a copy of all substantive comments received (or summaries thereof, where the response has been exceptionally voluminous) along with a response to each substantive comment. This includes those comments contained in the public hearing transcript.

Whenever the FEIS or the EA / FONSI is changed or modified as a result of the comments on the project, the comments discussion should contain references to the portion of the document where the change(s) has (have) occurred.

Whenever FHWA comments on environmental documents (EIS or EA), none of their written comments are to be included in either the draft or final documents. However, each document should include adequate information so the FHWA reviewer can ascertain Department consideration and disposition of their comments.

Formal comments by the U.S. Department of Transportation should be included in the FEIS along with an appropriate response to each comment.

To the extent possible, all environmental issues should be resolved prior to the submission of the FEIS or EA / FONSI. Where this is not possible, the Comments and Coordination section of the FEIS or EA / FONSI should clearly identify any remaining unresolved issues, the efforts taken to resolve the issues, and the positions of the respective parties.

#### **31-2.2.1 Public Hearing**

The FEIS and EA / FONSI must contain a summary of the public hearing transcript, including the following data:

1. The date, time, and place of the hearing;
2. The type of hearing held and its beginning and ending periods;

3. The number of attendees;
4. The number of public speakers (formal format) or number of people who made statements to court reporters (informal format), **Part 1, Chapter 11**;
5. The number of written statements received during and after the hearing;
6. Summary of each speaker's viewpoints on the proposed actions, including endorsements, and FDOT's response to those comments. Where appropriate, the text should be referenced to reflect consideration of the issue or change in the text. Where there exists a large number of citizens who addressed a similar issue, then these comments can be consolidated into one comment and responded to accordingly; and
7. Analysis and conclusion of the hearing outcome.

Provided below is a sample of this type of discussion.

A public hearing was held on Wednesday evening, December 1, 2007, at Any Old Country Club at 7:30 P.M. The hearing was held to inform the public of the preliminary results of the study and to give the public the opportunity to express their views regarding specific location, design, socio-economic effects, and environmental impacts associated with the project. Mr. Any Name, District Project Development Engineer for the X District of the FDOT, presided at the hearing. The FDOT and its consultants were on hand at the meeting room prior to the formal proceedings to informally discuss the project with the general public. Approximately 100 persons attended the hearing.

Following introductory remarks, Mr. Any Name introduced an audio-visual presentation which summarized the need for the facility and the relative merits of the alternates based on their levels of traffic service and socio-economic and environmental impacts. Included within the presentation was a description of right-of-way acquisition procedures with particular reference to State and Federal relocation assistance programs. Following the presentation, the next portion of the hearing was devoted to comments and questions.

Specific questions and comments raised at the public hearing were answered at the hearing, in this report, by letter, or during informal discussions with concerned individuals. Eighteen persons spoke for the public record at the hearing and 373 written statements, letters, and exhibits were received within the time period allotted for comments. The following summarizes the

substantive comments made at the public hearing.

**COMMENT:** Tolls should not be used as means of financing improvements, unless Federal and State funding is not available, and should not be collected from long-term residents (i.e., those living in Any Isle and along Any Creek).

**RESPONSE:** This document is being prepared under the assumption that Federal-aid funding will be utilized for the proposed improvements. Consequently, toll financing was not considered during the study.

**COMMENT:** Wetland impacts should be minimized and a mitigation plan included in the final recommendation, which will enhance surface water flows through the installation of culverts in wetland areas.

**RESPONSE:** See Section X - Wetland Mitigation Plan.

### **31-2.2.2 Updating the Comments and Coordination Section**

After the public hearing (*Part 1, Chapter 11*) and the document review period (*Part 1, Chapters 7 and 9*) are completed, the Comments and Coordination section is revised in the FEIS or EA / FONSI. These revisions include responses to the draft document review comments and the public hearing and any subsequent coordination or consultation as a result of these comments or the fulfilling of requirements for other laws (e.g., *National Historical Preservation Act*, or *Endangered Species Act*).

The FEIS or EA / FONSI must contain a summary and disposition of all substantive comments on social, economic, and environmental issues made at any public hearing, other public involvement activities, or on the draft document. The disposition of these comments should be the same as outlined in **Section 31-2.1** and its subsections above.

### **31-2.3 Response to Comments**

The District, in preparing a FEIS or EA / FONSI, shall assess and consider comments, both individually and collectively, and shall respond to all comments through the methods listed below:

1. Based on the comments received, modify the alternatives considered including the proposed action;
2. Develop and evaluate newly identified alternatives not previously evaluated by FDOT;

3. Supplement, improve, or modify the analysis as required based on the comments received and coordination with FHWA;
4. Make factual corrections; and
5. Explain why the comments do not warrant further response by FDOT, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would bring about a Department reappraisal of its position or further response on the issue in question.

All substantive comments received on the DEIS and EA (or summaries thereof where the response has been exceptionally voluminous) should be attached to the FEIS or EA / FONSI whether or not FDOT feels the comments merit individual discussion in the Comments and Coordination section.

### **31-2.4 Summation of the Comments and Coordination Section**

The final portion of this section of the environmental document (FEIS or FONSI) should provide a summary of the major issues outlined in the section and provide to the reader an assurance of FDOT's forthcoming action in support of issue resolution.

An example discussion is provided below:

Coordination conducted and public comments received during the PD&E Study led FDOT to select the preferred construction alternative, a six-lane suburban roadway from north of County Road 887 to San Carlos Boulevard with the exception of the vicinity of the Bonita Beach Street. From south of Corkscrew Road to north of Broadway Street, the preferred alternative would consist of an urban alternative with reduced median and border widths. Bridges at the Imperial River, Spring Creek and the Estero River will be widened or replaced. The Preliminary Engineering Report (PER) contains a detailed description of the preferred typical sections.

Public comments received at the Public Information Meeting and the Public Hearing primarily dealt with access management, traffic operational issues and the FDOT Work Program.

### **31-3 REFERENCES**

1. Council on Environmental Quality, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 43 FR 55978-56007 and 40 CFR Parts 1500-1508.

2. Federal Register, August 28, 1987. Environmental Impact and Related Procedures, FR Vol. 52, No. 167.
3. Florida Department of Transportation, ETDM Planning and Programming Manual, 2006.